

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE	)	
TETRIS COMPANY, LLC,	)	
	)	
Plaintiffs and	)	
Counterclaim-Defendants,	)	
	)	
vs.	)	Civil Action No.
	)	3:09-CV-6115 (FLW) (DEA)
	)	
XIO INTERACTIVE INC.,	)	
	)	
Defendant and	)	
Counterclaim-Plaintiff.	)	
_____	)	

VIDEOTAPED DEPOSITION OF

MARIO BALIBRERA

\_\_\_\_\_  
December 10, 2010

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432369

1 Q. Have you attended any graduate programs?

2 A. No.

3 Q. So after Pomona, you haven't had any other  
4 formal education?

5 A. No.

6 Q. What was your major at Pomona?

7 A. Media studies.

8 Q. Did you meet Desiree Golen at Pomona College?

9 A. Yes.

10 Q. You worked for Xio at some point, correct?

11 A. Yes.

12 Q. In what capacity?

13 A. I wrote, I think it was, about six songs for  
14 their game, and they ended up using about three of them.

15 Q. When I say "capacity," I mean were you an  
16 employee or an intern or an independent contractor?

17 A. Well, I guess I was an independent contractor.  
18 I'm not sure on -- on my job title or anything, but I  
19 did that; I composed the music, and I did a little  
20 programming, and I don't think I was considered an  
21 employee.

22 MS. SCHMITT: Okay. I'd like to mark as  
23 Exhibit 2 a document produced by Xio starting with Bates  
24 Number XIO-HD-DG 13173.

25 (Whereupon, Deposition Exhibit 2 was